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QUESTION OF THE COMORIAN ISLAND OF MAYOTTE

Report of the Secretary-General

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I. INTRODUCTION

1. On 16 October 1991, the General Assembly adopted resolution 46/9 on the question of the Comorian island of Mayotte. In paragraphs 5 and 6 of the resolution, the Assembly requested the Secretary-General of the United Nations to maintain continuous contact with the Secretary-General of the Organization of African Unity (OAU) with regard to the problem and to make available his good offices in the search for a peaceful negotiated solution to the problem, and to report on the matter to the Assembly at its forty-seventh session.

2. On 19 May 1992, the Secretary-General addressed a note verbale to the Permanent Representatives of the Comoros and of France to the United Nations, drawing their attention to the contents of General Assembly resolution 46/9 and inviting them to provide him with any pertinent information for inclusion in his report to the Assembly.

3. Also on 19 May 1992, the Secretary-General addressed a letter to the Secretary-General of OAU, drawing his attention to paragraph 5 of General Assembly resolution 46/9, and requesting information on any action undertaken by OAU in the search for a peaceful negotiated solution to the problem.

4. In accordance with paragraph 6 of General Assembly resolution 46/9, the present report, based on the replies received from the Permanent Mission of France to the United Nations, the Permanent Mission of the Comoros to the United Nations and OAU, is submitted to the General Assembly.

II. INFORMATION RECEIVED FROM THE PERMANENT MISSION OF FRANCE TO THE UNITED NATIONS

5. On 29 July 1992, the Permanent Mission of France to the United Nations addressed a note verbale to the Secretary-General, the text of which reads as follows:

> "Since the enactment of Law No. 76-12 of 24 December 1976, Mayotte has the status of a territorial collectivity of the Republic. This special status, acquired by the island under the provisions of a law voted by the French Parliament, does not close the door to any future development.
>
> "The climate of confidence which has been established between the Comoros and France has made possible the pursuit of a dialogue between the two Governments. In the same spirit, the President of the Republic, speaking for France, has declared that France is willing to seek conditions for a solution to the problem of Mayotte, subject to the requirements of its own national law and those of international law.

"France remains prepared to contribute to a just and lasting solution consonant with its Constitution and respecting the wishes of the peoples concerned. Accordingly, a continuing and constructive dialogue is being maintained at the highest level with the Islamic Federal Republic of the Comoros, as evidenced by the visit to France of President Djohar in February 1992."

III. INFORMATION RECEIVED FROM THE PERMANENT MISSION OF THE COMOROS TO THE UNITED NATIONS

6. In a letter dated 8 September 1992, addressed to the Secretary-General, the Permanent Mission of the Comoros to the United Nations submitted the following information on the question:

"The Islamic Federal Republic of the Comoros, a former French colony, became independent on 6 July 1975. It was admitted to membership of the United Nations on 12 November 1975 by resolution 3385 (XXX), adopted unanimously by the United Nations General Assembly; France did not participate in the vote.

"The United Nations recognized the independence of the Comorian State composed of the four islands of Grande-Comore, Anjouan, Mohéli and Mayotte, thereby endorsing respect for the principle of inviolability of borders inherited from colonial rule.

"It is therefore on the basis of a well-established custom binding on all States, including France, that the United Nations considers the Comoros as a single entity.

"Notwithstanding the adoption of the United Nations resolution, and the adoption by other organizations such as OAU, the Organization of the Islamic Conference (OIC) and the Movement of Non-Aligned Countries of resolutions recognizing the independence of the Islamic Federal Republic of the Comoros, France, the former colonial Power, continues to maintain its presence and its administration on the Comorian island of Mayotte.

"The explanation given by France is that the population of Mayotte voted by a two-thirds majority against independence.

"It should be recalled, however, that under the agreements reached between the two parties, France had undertaken to respect the unity and territorial integrity of the Comoros.

"Article 1 of the act of 23 November 1974 provides that: 'the people of the Comoros shall be consulted by referendum on whether they wish to become independent or to remain within the French Republic'.

"Article 5 states that although ballots shall be counted on an island-by-island basis, only the overall results shall be published, and Parliament shall decide what action to take on the referendum within a period of six months.

"In its efforts to solve this problem, the Comorian Government has always given preference to dialogue and consultation, in keeping with the principles of the Charter of the United Nations and with the recommendations of international organizations calling upon the parties to engage in talks in order to expedite a satisfactory solution.

"Following the tragic events that took place in the Comoros in November 1989 and that led to a round-table meeting of all the country's political factions, those factions reaffirmed unanimously that Mayotte belonged to the Islamic Federal Republic of the Comoros and demanded that it be reincorporated in that nation.

"Following his election and his meeting in Paris and Moroni with the President of the French Republic, President Saïd Mohamed Djohar reaffirmed his willingness to solve this painful problem. To that end, he announced that his approach would be to hold tripartite discussions among the French authorities, the Comorians and the inhabitants of Mayotte.

"During his official visit to Moroni, President Mitterrand, in his reply on the above subject to the Comorian President, acknowledged that a practical, pragmatic approach had to be adopted in order to settle this unpleasant dispute.

"The political will demonstrated by both the French and the Comorian Governments must be supported by the international community in general and the United Nations in particular, so that a dialogue can begin quickly between the parties with a view to finding a just and lasting solution to the Comorian claim.

"The question of the Comorian island of Mayotte remains on the agenda of the regular session of organizations other than the United Nations, namely, OAU, OIC and the Movement of Non-Aligned Countries.

"All the different resolutions adopted on this subject reaffirm the sovereignty of the Islamic Federal Republic of the Comoros over the Comorian island of Mayotte and request the French Government to accelerate the process of negotiations with the Comorian Government with a view to arriving quickly at a just and lasting solution in accordance with the wishes of the world community and with international law.

"Notwithstanding the solidarity and support shown by the international community on this issue, there has been little actual progress.

"That is why the Comorian Government would like, once again, to request the Secretary-General of the United Nations to use his good offices to pursue his mediation in order to bring the two parties closer to working out a just and equitable settlement that respects the territorial integrity and the sovereignty of the Islamic Federal Republic of the Comoros."

IV. INFORMATION PROVIDED BY THE ORGANIZATION OF AFRICAN UNITY

7. In a letter dated 21 July 1992 addressed to the Secretary-General of the United Nations, the Secretary-General of OAU informed him that the Assembly of Heads of State and Government of OAU at its twenty-seventh ordinary session, held at Abuja in 1991, had adopted resolution AHG/Res.201 (XXVII) on the Comorian island of Mayotte. The Secretary-General of OAU forwarded the text of resolution AHG/Res.201, the operative paragraphs of which read in part as follows:

"...

"2. Reaffirms the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte;

"3. Reaffirms its solidarity with the people of Comoros in their determination to recover the political integrity of their country to defend its sovereignty and its territorial integrity;

"4. Launches an appeal to the French Government to meet the legitimate demands of the Government of the Comoros in accordance with the relevant resolutions of OAU, the United Nations, the Movement of Non-Aligned Countries, the Islamic Conference and the League of Arab States;

"5. Calls upon OAU member States to do everything possible individually and collectively to alert the French and international public opinion to the question of the Comorian Island of Mayotte and to compel the French Government to put an end to the occupation of Mayotte;

"6. Appeals to all OAU member States and the international community to condemn and reject outright any form of talks which could be organized by France in the Comorian Island of Mayotte on the legal international status of the Island since the referendum on self-determination held on 22 December 1974 remains the only valid consultation on the Archipelago;

"7. Further appeals to all OAU member States and the international community to condemn any initiative by France to make the Comorian Island of Mayotte participate in any event as a separate identity from the Federal Islamic Republic of the Comoros;

"8. Mandates the OAU Ad Hoc Committee of Seven on the Comorian Island of Mayotte and the General Secretariat to resume dialogue with the French authorities in their continued effort to ensure the return of the Comorian Island of Mayotte to the Islamic Federal Republic of the Comoros as soon as possible;

"9. Requests that the question of the Comorian Island of Mayotte be maintained on the agenda of all the meetings of OAU, the United Nations, the Movement of Non-Aligned Countries, the Islamic Conference and the League of Arab States until the Comorian Island of Mayotte is re-integrated into the Islamic Federal Republic of the Comoros;

"..."

V. CONCLUDING REMARKS

8. The Secretary-General has maintained close contact with all parties and has informed them of his readiness to make available his good offices in the search for a peaceful solution to the problem.